

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 30, 2009**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05A.M. on January 30, 2009 in Board Room 3, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS PRESENT: Lynne M. Cooper, Citizen Member, Chairperson
Florence Jones-Clarke, R.N., M.S.
Patricia C. Lane, R.N., M.S., M.B.A., H.C.A.
Evelyn Lindsay, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director (joined later)
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jane Elliott, R.N., Ph.D., Discipline Staff (joined later)
Donna Lee, Senior Discipline Specialist (joined later)
Amy Davis, Administrative Assistant

STAFF ABSENT: Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Shalin Sood, Intern with the Attorney General's Office (observing)

ESTABLISHMENT OF A QUORUM: With five members of the Board present, a quorum was established.

FORMAL HEARINGS: **Tracey Bradshaw, C.N.A. 1401-081957**
Ms. Bradshaw appeared, accompanied by her mother, aunt and coworker.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

Kevin Pultz, Senior Investigator, Department of Health Professions; and Sergeant Tim Aylor, Albemarle Police Department were present and testified.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(7) of the *Code of Virginia* at 10:15 A.M. for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of Tracey Bradshaw. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Krohn, Ms. Davis, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened at 10:25 A.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:28 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Bradshaw.. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Krohn, Ms. Davis, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:38A.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Selig moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certificate of Tracey Bradshaw.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Candy A. Gordon, C.N.A. 1401-002707**
Ms. Gordon appeared.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Anette Luckett (Reed) testified by telephone; Kim Martin, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Jones-Clarke moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:56 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Gordon. Additionally, Ms. Jones-Clarke moved that Ms. Douglas, Ms. Krohn, Ms. Davis, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:11 P.M.

Ms. Jones-Clarke moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Dr. Selig moved that the Board of Nursing reprimand Candy Gordon.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Krohn left the meeting. Ms. Power joined the meeting.

FORMAL HEARINGS: **Annette Worley, C.N.A. 1401-016336**
Ms. Worley did not appear.

Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush court reporter, recorded the proceedings.

Rachel Shaw, Senior Investigator was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:05 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Worley. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:09 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones.

The motion was seconded and carried unanimously.

ACTION:

Dr. Selig moved that the Board of Nursing indefinite suspend the nurse aide certification of Annette Worley until such time as she can appear before the Board and demonstrate she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Crystal S. Lucas, C.N.A. 1401-079304

Ms. Lucas did not appear.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:18 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Lucas. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 1:25 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell.

The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing revoke the nurse aide certification of Crystal Lucas with a finding of abuse.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas left the meeting.

FORMAL HEARINGS: **Connie M. W. Alford, C.N.A. 1401-042267**
Ms. Alford did not appear.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Angela Hargrave, C.N.A. testified by telephone. John Turner, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:55 P.M., for the purpose of deliberation to reach a decision in the matter of Connie Alford. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Davis, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:00 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Dr. Selig moved that the Board of Nursing issue an order of reprimand to Connie Alford.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Davis left the meeting. Ms. Lee joined the meeting and Ms. Douglas and Ms. Krohn rejoined the meeting.

FORMAL HEARINGS: **Valencia A. Belle, R.N. 0001-203122**
Ms. Belle did not appear.

La Rhonda Carter, Adjudication Specialist, represented the Commonwealth. Mr Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Janet B. Younger, R.N., P.N.P., Ph.D., Associate Dean, Virginia Commonwealth University School of Nursing; Marsha Miller, Senior Investigator, Department of Health Professions; Charlene Peters Frostic, prior Virginia Nurses Association Executive Director; and Leslie Weatherly, Vice President of Professional Healthcare Resources, Inc. were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Belle. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Krohn, Ms. Lee, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Selig moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing indefinitely suspend the registered nursing license of Valencia Belle until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Power and Ms. Krohn left the meeting. Dr. Elliott joined the meeting.

FORMAL HEARINGS:

Rebecca L. Parks, L.P.N. 0002-056053

Ms. Parks did not appear.

Wayne Halbleib, Assistant Attorney General and Tammie Jones, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Sharon Wimberly, R.N., Supervisor, Maxim Healthcare Services; Tonya Rivera, mother of “baby Rivera”; and Sherrie Foster, R.N., Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:55 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Parks. Additionally, Ms. Lindsay moved that Ms. Douglas, Dr. Elliott, Ms. Lee, Mr. Sood and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:10 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Halbleib.

The motion was seconded and carried unanimously.

Ms. Jones-Clarke moved that the Board of Nursing place Rebecca Parks on indefinite probation for a period of not less than one year with terms.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Sood left the meeting.

FORMAL HEARINGS: **Susan S. Fine, R.N. 0001-127216**

Ms. Fine appeared, accompanied by Jack Bryant.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Holly Bush, court reporter, recorded the proceedings.

Jack Bryant; Charlotte Hudson, R.N., Senior Investigator, Department of Health Professions; and Shelia Ansell, R.N. were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 6:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fine. Additionally, Ms. Lindsay moved that Ms. Douglas, Dr. Elliott, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 6:30 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

Dr. Selig moved that the Board of Nursing place Susan Fine on indefinite probation for a period of not less than one year with terms.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 6:35 P.M.

Deputy Executive Director